

considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

### List of Subjects

#### 47 CFR Part 1

Administrative practice and procedure, Communications common carriers.

#### 47 CFR Part 2

Communications equipment.

#### 47 CFR Part 21

Communications common carriers, Communications equipment, Radio, Reporting and recordkeeping requirements, Television.

#### 47 CFR Part 94

Communications equipment, Radio, Reporting and recordkeeping requirements.

#### 47 CFR Part 101

Communications common carriers, Communications equipment, Radio, Reporting and recordkeeping requirements, Television.

Federal Communications Commission.

**William F. Caton,**  
*Acting Secretary.*

[FR Doc. 95-647 Filed 1-10-95; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

[MM Docket No. 87-455; RM-5899, RM-6223, RM-6224, RM-6225, RM-6226, RM-7111]

**Radio Broadcasting Services; Perry, Cross City, Holiday, Avon Park, Sarasota, and Live Oak, FL, and Thomasville, GA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document grants a Motion for Severance filed by Women in

Florida Broadcasting, Inc. concerning the action in this proceeding upgrading Station WDFL, Channel 292A, Cross City, Florida, to specify operation on Channel 295C1. See 54 FR 30549 (July 21, 1989).

**EFFECTIVE DATE:** January 11, 1995.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket 87-455, adopted December 27, 1994, and released January 6, 1995. The full text of this Commission action is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this action may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**Douglas W. Webbink,**  
*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-645 Filed 1-10-95; 8:45 am]

BILLING CODE 6712-01-F

### 47 CFR Part 80

[WT Docket No. 94-153; FCC 94-328]

### Designate Prince William Sound as a Radio Protection Area for Mandatory Vessel Traffic Services (VTS)

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has proposed rules to add Prince William Sound to the United States Coast Guard (Coast Guard) designated radio protection areas for mandatory VTS and establish marine VHF Channel 11 as the VTS frequency for Prince William Sound. This action is in response to a request from the Coast Guard. The designation of Prince William Sound as a VTS area will allow the Coast Guard to manage vessel traffic in a more efficient manner.

**DATES:** Comments must be submitted on or before February 24, 1995; reply comments on or before March 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** James Shaffer, (202) 418-0680, Private Radio Bureau.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making FCC 94-328, adopted December 16, 1994, and released January 3, 1995. The full text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, Suite 140, Washington, DC 20037, telephone (202) 857-3800.

### Summary of Notice of Proposed Rule Making

1. The Coast Guard filed a petition (RM-8199), Public Notice No. 1932, requesting that the Commission amend Part 80 of the Rules, 47 CFR part 80, to add Prince William Sound to the Coast Guard designated radio protection areas for mandatory VTS and establish marine VHF Channel 11 (156.550 MHz) as the VTS frequency for Prince William Sound.

2. As a result of the Oil Pollution Act of 1990, Pub. L. 101-380, 104 Stat. 484, the Coast Guard plans to implement a mandatory Automated Dependent Surveillance (ADS) system for cargo ships, e.g. oil tankers, that operate in Prince William Sound. The ADS will operate as part of the proposed VTS system and is scheduled to begin operation in July 1994. An ADS system works as follows: the vessel determines its position using a highly accurate differential GPS receiver and automatically transmits its position, identification and the time of the position to the Coast Guard using digital selective calling (DSC) techniques on VHF marine Channel 70 (156.515 MHz). The Coast Guard needs Channel 11 to supplement Channel 70 ADS use and for voice VTS communications in support of vessel traffic control operations.

3. Designating Prince William Sound as a VTS area will allow the Coast Guard to manage vessel traffic in that area more efficiently and protect the marine environment by preventing vessel collisions and groundings. We are proposing, therefore, to add Prince William Sound to the Commission's list of designated radio protection areas for VTS systems specified in Section 80.383. The radio protection area will be defined as "The rectangle between North latitudes 61 degrees 17 minutes and 59 degrees 22 minutes and West longitudes 149 degrees 39 minutes and 145 degrees 36 minutes."

4. Additionally, we propose to permit private coast stations currently authorized to operate on Channel 11 within the proposed Prince William Sound VTS area to continue operation until the end of their current license terms on a noninterference basis. The staff will help affected licensees find suitable alternative channels. No fee will be charged for affected stations that apply for modification for an alternative channel before their next renewals.

5. We certify that the Regulatory Flexibility Act of 1980 does not apply to this rule making proceeding because if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The change proposed herein will have a beneficial effect on the marine community by allowing the Coast Guard to manage vessel traffic in the Prince William Sound area in a more efficient manner. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act. Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601-612 (1980).

#### List of Subjects in 47 CFR Part 80

Communications equipment, Marine Safety.

Federal Communication Commission.

**William F. Caton,**  
*Acting Secretary.*

[FR Doc. 95-646 Filed 1-10-95; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF ENERGY

### 48 CFR Parts 923 and 970

RIN 1991-AB05

#### Acquisition Regulation; Acquisition and Use of Environmentally Preferable Products and Services

**AGENCY:** Department of Energy.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Energy (DOE) proposes to amend the Department of Energy Acquisition Regulation (DEAR) to provide for the acquisition and use of environmentally preferable products and services.

**DATES:** Written comments must be received on or before March 13, 1995.

**ADDRESSES:** Comments on the proposed rule should be addressed to the U.S. Department of Energy, Procurement

Policy Division (HR-521.1), Attention: P. Devers Weaver, 1000 Independence Avenue SW., Washington, D.C. 20585. **FOR FURTHER INFORMATION CONTACT:** P. Devers Weaver, Procurement Policy Division (HR-521.1), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585; telephone 202-586-8250.

#### SUPPLEMENTARY INFORMATION:

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  - C. Review Under the Paperwork Reduction Act.
  - D. Review Under the Regulatory Flexibility Act.
  - E. Review Under Executive Order 12612.
  - F. Public Hearing Determination
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#### I. Background

Section 6002 of the Resource Conservation and Recovery Act (RCRA) of 1976, Public Law 89-272, 42 U.S.C. 6962, requires procuring agencies to establish a preference for the acquisition of products made with recovered materials. The Environmental Protection Agency (EPA) has promulgated guidelines to implement section 6002 of RCRA. These guidelines, for products that are designated "environmentally preferable," including retread tires, re-refined lubricating oil, and recycled paper, are set forth at Title 40 of the Code of Federal Regulations, Parts 247 through 253. Also, Executive Order 12873 of October 20, 1993, Federal Acquisition, Recycling, and Waste Prevention, requires management and operating contractors in their contracting practices to comply with RCRA requirements that are applicable to Federal agencies. Implementing RCRA, the Office of Federal Procurement Policy on November 2, 1992, issued its Policy Letter No. 92-4, Procurement of Environmentally-Sound and Energy Efficient Products.

RCRA requires all Federal agencies to develop "affirmative procurement programs" (APPs) to assure the purchase of materials covered by the EPA guidelines. DOE issued its APP in May 1994 in the document "Affirmative Procurement Program For Products Containing Recovered Materials," providing DOE guidance for compliance with RCRA and the Executive Order.

The Department proposes to amend the DEAR to provide a contract clause, Acquisition and Use of Environmentally Preferable Products and Services. The

clause is to be incorporated in DOE management and operating contracts, to promote the acquisition and use of environmentally preferable products and services, in accordance with specified Department of Energy and other Federal policies.

#### II. Section-by-Section Analysis

1. Section 923.471 describes DOE policy to acquire items composed of the highest percentage of recovered/recycled materials without adversely affecting performance requirements.

2. To subpart 970.23, section 970.2304 is added.

Section 970.2304-1 extends the requirements at subpart 923.4 on the acquisition and use of environmentally preferable products and services to management and operating contracts.

3. Sections 970.5204-YY and 970.2304-2 provide a clause and a requirement for the use of the clause, Acquisition and Use of Environmentally Preferable Products and Services. The clause provides for compliance with Executive Order 12873, certain RCRA and EPA requirements, and certain DOE requirements involving the acquisition and use of environmentally preferable products and services. Paragraph (a)(4) of the clause at 970.5204-YY refers to an "Affirmative Procurement Program" guidance document. A copy of this guidance document is available, without charge, upon informal written request to: Director, Waste Minimization Division (EM-334), U.S. Department of Energy, Washington, DC 20585-0002. (Please do not use telephone or fax to request the document.)

#### III. Public Comments

DOE invites interested persons to participate by submitting data, views, or arguments with respect to the proposed DEAR amendments set forth in this rule. Three copies of written comments should be submitted to the address indicated in the ADDRESSES section of this rule. All comments received will be available for public inspection during normal work hours. All written comments received by the date indicated in the DATES section of this notice will be carefully assessed and fully considered prior to the effective date of these amendments as a final rule. Any information considered to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information and to treat it according to its determination in accordance with 10 CFR 1004.11.